

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL PARKER,

Defendant.

CR-11-55-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on November 29, 2018. (Doc. 73.) The United States alleged that James Michael Parker violated his conditions of supervised release by (1) using methamphetamine on two separate occasions; (2) consuming alcohol; and (3) committing another crime. (Doc. 60 at 2.) Parker admitted to violations (1) and (2). Parker did not admit or deny violation (3). The government did not attempt to prove violation (3). (Doc. 74 at 3.)

Judge Johnston entered Findings and Recommendations in this matter on December 4, 2018. (Doc. 74.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will

review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Parker's supervised release. Judge Johnston has recommended that the Court revoke Parker's supervised release and commit Parker to the custody of the Bureau of Prisons for a term of time served with 16 months of supervised release to follow. (Doc. 74 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Parker's violation of his conditions represents a serious breach of the Court's trust. A sentence of time served with 16 months of supervised release to follow represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 74) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant James Michael Parker be sentenced to time served with 16 months of supervised release to follow.

DATED this 19th day of December, 2018.



Brian Morris
United States District Court Judge